

THE LEGISLATIVE PROCESS IN ALABAMA

Recess and Interim Committees

By

HALLIE FARMER

Professor of

Government and History

Alabama State College for Women



BUREAU OF PUBLIC ADMINISTRATION
UNIVERSITY OF ALABAMA
UNIVERSITY, ALABAMA

1946

BY THE
UNIVERSITY OF ALABAMA

SET UP, PRINTED, AND BOUND BY THE
WEATHERFORD PRINTING COMPANY
TUSCALOOSA, ALABAMA

FOREWORD

This is the fourth in a series of studies of *The Legislative Process in Alabama*. Here Dr. Farmer has made a careful analysis of recess and interim committees, which for almost half a century have played a more important role in legislation in Alabama than in most states. Other studies of significant aspects of legislative organization and procedure in Alabama will be published from time to time during the next year.

While the University of Alabama, as a State institution, is pleased to maintain the Bureau of Public Administration for the study of public problems, no conclusions concerning University policies or views are to be drawn from this pamphlet. The materials presented and the opinions expressed are those of the author, who accepts full responsibility for them.

ROSCOE C. MARTIN
*Director of the
Bureau of Public Administration*

RECESS AND INTERIM COMMITTEES

INTRODUCTION

In theory the Legislature of Alabama is a deliberative body, enacting the will of the people into law after careful research, consideration, and planning. In practice the Legislature of Alabama is a bill-passing machine, placing its stamp of approval or disapproval almost automatically on most of the bills which come before it. Planning and research play a minor role in the life of the average legislator.

There are three major reasons for this contrast between theory and practice:

1. *The short legislative session.* Under the Constitution of 1901, as originally adopted, the Legislature met for 50 legislative days. This made it possible, by frequent recesses, to extend the session over several months. Under the Thirty-ninth Amendment to the Constitution, adopted in 1939, the session is limited to 60 consecutive calendar days. Recesses which formerly added to the amount of time at the Legislature's disposal thus are no longer possible. This change looms large in the thinking of legislators, who like to believe that if they only had more time they would be able to give more careful consideration to the bills they enact into law. Actually the short legislative session is probably the least important reason for the limited consideration of bills. The Legislature did not give any more careful attention to legislation when it had extended sessions than it does now. When it met for months under the system of 50 legislative days, the congestion of bills at the end of the session was actually worse than it is at present. The yearning for the good old days when the members of the Legisla-

ture had plenty of time for the study of bills rests on a dream and nothing more. It has little if any basis in fact.

2. *The amount of legislation.* During a 60-day session 1,000 or more bills are introduced into the two houses of the Legislature. Each of these bills must receive at least some attention from one house; many of them require consideration in both houses. The amount of work to be done is so great as to make impossible anything like the careful thought and study which the Legislature is supposed to devote to its labors.

3. *The technical character of legislation.* Much of the legislation demanded as Alabama passes from a rural-agricultural into an urban-industrial economy is technical and specialized. Members of the Legislature, all of whom are laymen in many important fields requiring legislative action, find themselves more and more in need of specialized knowledge which they do not possess. This is a major reason for the passing of bills which are not understood by those who vote on them.

The Legislature has not been blind to the need for more careful consideration of the bills presented to it, nor has it been unaware of the need for planning a legislative program. Through the years it has sought help, and from a variety of sources. First of all, legislators have looked to their standing committees. These committees, rather than the Legislature as a whole, are expected to give the bills referred to them that careful attention which all legislation should receive. Each house relies upon its standing committees for authoritative information in specialized fields, and on most bills accepts their decisions as final. The members of the standing committees, however, are laymen also, and are often no better informed in

a given field requiring legislative action than other members of the Legislature. The committees are able to meet for only a few hours each week, when the Legislature is not in session. Members serve on too many committees and have too many bills to consider, bills which must be reported to keep the legislative mill grinding. As a device for securing study of legislation the standing committee has not proved satisfactory, and as an agency for legislative planning it is woefully inadequate.

Another source to which the legislators have turned for information and assistance is specialists in the fields receiving legislative attention. These specialists are sometimes drawn from private business and industry and sometimes from the various State agencies. In any case, they frequently represent interested parties. They expect to be affected, directly or indirectly, by the legislation under consideration. The Legislature, therefore, finds itself criticised, sometimes justly, sometimes not, for being unduly influenced by private interests. It also finds itself increasingly under the control of the Governor and the State departments. Although it was established as one of the coordinate branches of the State government, the Legislature appears to be sinking into an inferior position, concerned primarily with giving its approval to legislation presented to it by the Governor and the State administrative department heads. The bulk of such legislative planning as is found is done for the Legislature, not by it.

A third source to which the Legislature has turned is the recess (or interim) committee. It is probable that the Legislature which created this device did not realize how effective or how widely used it might become. Almost certainly that body did not appreciate the possibilities which these committees offered for

legislative planning; for more careful consideration of proposed legislation; and for enhancing the position of the Legislature until it might aspire to become once again a coordinate branch of the State government, equal in power and influence with the Executive and the Judiciary. The important if little-understood role which the recess committee has played in the legislative process in Alabama entitles it to the careful consideration of anyone who would understand that process.

RECESS COMMITTEES

History. The first recess committee of which record has been found was established in the legislative session of 1898. By a House joint resolution approved December 16, there was provided a joint committee to sit during the recess in order to consider the general revenue bill and to report recommendations to the Ways and Means Committee on the first day that the Legislature reassembled. The next Legislature (1901) provided for two recess committees, one to consider the revenue bill and one to investigate the convict system of the State. After that time only one Legislature, that of 1911, discharged its duties without the assistance of such committees.

The pattern for these bodies seems to have been set with the creation of the first recess committee, for there has been little variation since. Of the 46 recess committees created since 1903, 29 have been created by House joint resolution, six by Senate joint resolution, seven by law, and four by House resolution. Sometimes more than one method was used to create recess committees in the same session. In 1927, for example, of the 14 recess committees created, one was set up by Senate resolution and the other 13 by House resolution. Recess committees have usually been joint

committees. Only in 1927 apparently were there separate recess committees appointed by each house. In that year there were four such committees appointed by the House of Representatives in addition to 10 joint committees.

The number and size of recess committees are shown in Table I. It will be noted that the number of committees began to increase with the 1919 session. There were a much larger number of committees, and many

TABLE I
NUMBER AND SIZE OF RECESS COMMITTEES, 1903-1939

Session	Number of Committees	Total Number of Legislators Serving On Committees	Size of Average Committee
1903	3	23	7.7
1907	3	21	7
1911	0	0	0
1915	3	24	8
1919	4	32	8
1923	6	45	7.5
1927	14	149	10.6
1931	4	46	11.5
1935	4	33	8.3
1939	5	70	14

more legislators serving on them, in the 1927 session than at any time before or since. Some veteran members of the Legislature recall that the appointment of so many members to recess committees in 1927 became something of a scandal in the State, and that the reduced number of committees in 1931 was a reaction from the popular disapproval of the 1927 committees. One member of the Legislature avers, however, that the number was reduced in 1931 because there was no money with which to pay them. By 1935 the number of committees was back to normal, though it increased somewhat again in 1939.

It is interesting to note that the total number of legislators serving on recess committees increased

with the passing of the years and that, as a result, the size of the average committee also increased. The minimum number serving on such committees in any session was 21 (15 per cent of the legislative membership) in 1907. The maximum was more than 100 per cent in 1927 when there were more committee members than legislators.

While the number of members on the recess committees was determined by the resolution or act which created them, the selection of the members for most of the period was left to the presiding officers of the two houses. Occasionally the feeling that the President of the Senate was not a member of the body led to the provision that the Senate appointments should be made by the President *pro tempore*. While it does not appear in the records, it is well known that the presiding officers usually made these appointments by agreement with the Governor and that, in so far as he desired to do so, the Governor dictated the choice of committee members.

Beginning in 1915, the House of Representatives made its speaker an *ex officio* member of each of its recess committees. The Senate adopted this practice in 1919 when the President *pro tempore* was made an *ex officio* member of all recess committees. In 1927 the President of the Senate was substituted for the President *pro tempore*, and from that time forward he served as a member of all recess committees.

Chairmanships are mentioned only once in the resolutions and acts creating recess committees. In 1927 the committees were instructed to select their own chairmen and vice-chairmen. At other times chairmen and vice-chairmen seem to have been selected, as committee members were, by the presiding officers of the two houses in conference with the Governor.

Other problems of organization appear to have been

left to the committees; and since they kept no formal minutes of their meetings, only occasional glimpses can be had of their procedure. Sometimes the committee acted as a unit, sometimes it was divided into sub-committees. There is no record of votes or discussions, but, while they were not usual, minority reports are not unknown. Two such reports were submitted in 1919.

Costs. The costs of the recess committees were regularly limited by the joint resolution or act creating them. Expenses of the committees were limited in three ways: first, by specifying the amount which the members of the committees might be paid; second, by limiting the time which the committees might sit; and third, by setting the amount which they might pay for clerks. At first each committee was treated as a separate problem. In 1907, for example, the act creating a recess committee to prepare a municipal code provided that members should be paid four dollars per day for not more than 20 days. They were to receive 10 cents per mile for travel expenses and they might employ a stenographer who might be paid not more than six dollars per day. It is interesting to note that the stenographer was paid more than committee members. Committee members received, of course, the per diem amount paid to members of the Legislature during the regular session. The compensation was not enough to command the services of some members, and from time to time the Legislature attempted to increase it. Thus in 1915 members of the recess committees were reimbursed for railroad fare and hotel bills while actually engaged in performance of their duties. In 1919 they were paid their actual expenses.

In 1923 a joint committee was set up to consider the problem of payment of recess committees. The

committee recommended that the members of such committees be paid 10 dollars per day and the same mileage as members of the Legislature were paid. It recommended further that, unless the committee adjourned for more than two days, members be paid for the entire time. Committees, it was suggested, should meet for 20 days (except the Education Committee, which should meet for 30 days).

In 1927 the Legislature attempted to settle the problem of recess committee expenses by law. An act approved February 18 of that year provided that:

1. Compensation of members of recess committees should be eight dollars per day.
2. Compensation should be paid for the entire time the committee was engaged except in cases of adjournment exceeding three days.
3. A member might collect mileage for one trip only from his place of residence to the Capitol.
4. If it were necessary to travel away from the Capitol in making an investigation, committee members should receive actual travel expenses.
5. Persons employed by recess committees were to be paid reasonable compensation, which was to be fixed by the committee employing them.
6. The chairman of each committee was to certify to the Auditor the amount due each member and employee and the Auditor was to draw a warrant on the State Treasurer for the certified amount.¹

This act was never repealed, and with the per diem increased to 10 dollars was incorporated in the Code of 1940.² Apparently it has not always been followed. In 1931 no compensation was provided for recess committees.³ In 1935 the act creating the committees

¹ General Acts 1927, No. 79, p. 60.

² Code of Alabama 1940, Title 32, Sec. 13.

³ Nevertheless, according to the records of the State Auditor, they actually received \$12,866.30.

provided that they should be paid \$4.00 per day and "necessary expenses."⁴ Notwithstanding the efforts to dispose of this problem, therefore, it appears that compensation and expenses of recess committeemen are governed by no fixed policy.

Another item on which there is too little information is the cost of clerical help. In only three of the 10 Legislatures is complete information on this subject available. In those years the costs of clerical assistance to the recess committees were: in 1919, \$1,016.81; in 1935, \$6,652.50; and in 1939, \$7,486.95. In 1935 the largest amount paid by any recess committee (the Committee on Finance and Taxation) for clerical assistance was \$2,632.50. The smallest amount, \$960.00, was spent by the Judiciary Committee. In 1939 the largest amount for clerical assistance, \$5,908.00, was spent by the Code Committee, the smallest amount, \$188.10, by the Judiciary Committee.

The total cost of the recess committees to the State is difficult to determine. There are two sources from which data may be obtained—the reports of the State Auditor and the payrolls of the Legislature. The Auditor's reports, which are available for each legislative session, show the total amount paid to each recess committee. There is no breakdown to show the amount spent for clerical help, mileage, or other major items. For the year 1927, the report shows only mileage and per diem for recess committee members. For 1931 and 1935 there is merely a lump sum charged against recess committees.

For the years 1935 and 1939 legislative payrolls are available. These payrolls show the amount expended by each recess committee for per diem, expenses, and clerical assistance. The total obtained by adding these payroll records, however, does not always agree with

⁴ General Acts 1935, No. 63, p. 147.

the amounts charged against recess committees in the Auditor's report. For example, if the legislative payrolls for 1935 are totaled, the recess committees of that year cost the State \$27,825.40; if, on the other hand, the figures in the Auditor's report are accepted, they cost \$28,911.17. Sometimes part of the cost of recess committees was paid from the Governor's contingent fund, and these costs cannot always be traced.

Table II attempts to analyse recess committee costs in the light of the best figures obtainable. As might have been expected from previous comment, the total cost of recess committees was comparatively low in the early years, inordinately high in 1927, very low in 1931, and considerably higher in 1935 and 1939.

TABLE II
COSTS OF RECESS COMMITTEES, 1903-1939

Session	Number of Committees	Total Costs	Average Cost per Committee
1903	3	\$ 2,275.00	\$ 758.33
1907	3	11,800.59	3,933.53
1911	0		
1915	3	13,960.09	4,653.36
1919	4	6,840.22	1,710.06
1923	6	29,910.42	4,985.07
1927	14	114,513.37	8,179.52
1931	4	12,866.30	3,216.57
1935	4	28,911.17	7,227.79
1939	5	49,289.34	9,857.87

The average cost per committee in 1927 was almost double that of any previous session and was not later exceeded until 1939. The higher cost in the latter year can be explained in part by a more thorough-going job than had characterized recess committee performance in earlier years.

Types of Committees. The resolutions and acts creating recess committees describe rather carefully the duties to be performed by them. An examination of these resolutions reveals that all recess committees,

as employed in Alabama, may be classified by function into three groups: code committees, investigating committees, and committees to plan and draft legislation. The first two types have not been important in the development of the legislative process and may be dismissed with brief comment. The third is more significant and so requires more careful examination.

1. Code Committees. The Constitution of 1901 requires that the public statutes of Alabama be codified every 12 years.⁵ Always the Code has been prepared by a specialist employed for that purpose. He has worked under the supervision of a legislative code committee charged with the responsibility of reading and examining the new code and recommending its adoption to the Legislature. In 1907 a recess committee of three Senators and five Representatives was created to "read and revise" the new code. Similar committees were appointed in 1923 and 1940.

The Legislature also has created from time to time recess committees to draft codes in particular fields. The Municipal Code of 1907 and the Agricultural Code of 1923 are two examples of codes prepared by recess committees. The Legislature at its 1945 session set up a Revenue Survey Committee to report suggested tax law changes to the 1947 session.⁶ This committee interprets its function at least in part as a codifying responsibility. It received an appropriation of \$25,000 and has employed tax specialists for the technical work of the survey.

2. Investigating Committees. The Legislature has made frequent use of investigating committees. Sometimes these committees have been responsible for routine investigations: for many years, for example, such committees were regularly appointed to examine

⁵ Sec. 85.

⁶ *General Acts 1945*, No. 300, p. 496.

the offices of the State Treasurer and the State Auditor.

Some committees appear to have found their roots in the wanderlust of legislators. It has been a rare Legislature indeed which did not send a recess committee to visit State institutions. Educational institutions, correctional institutions, eleemosynary institutions all were visited with great regularity. One is tempted, on first examination, to feel that these committees represent a waste of public funds. In the early days this may have been true. Most of the early investigating committees either made no reports or submitted reports which gave glowing accounts of the good food they were served and proclaimed the good fellowship of the department or institution head. Through the years, however, the quality of these reports improved. Legislators did their investigating more intelligently, if one may judge by their reports. Perhaps the legislators became more alert to institutional problems. Perhaps also administrators presented their needs more intelligently. In any case, visiting committees seemed to become more useful.

Some investigating committees were born of public opinion. In Alabama, as in other States, there have been outbursts of public indignation when some gross betrayal of public trust was suspected which have led to demands for legislative action. The Legislature usually has responded by appointing an investigating committee.

Sometimes the creation of investigating committees seems to have been the result of legislative suspicion, either general or specific. In 1915, for example, a recess committee was appointed to investigate "all State departments, properties, expenditures, payment of State debt, interest, waste and improper use of public funds." Again, in 1927, the Legislature appointed

a recess committee to investigate the administration of the uniform textbook law.

It is difficult to determine the value of investigating committees. It may be assumed that all committee investigations increased in some measure the knowledge of the investigators, and that the work of the committees therefore had some educational value for the legislators themselves. Beyond this, the services of the investigating committees appear to have been both uneven and, too frequently, intangible. Some committees have been used to temporize, or to appease public opinion. There is no evidence that the appointment of such bodies ever led to any constructive action. Other committees seem to have worked diligently. The committee which was appointed in 1915 to investigate all State departments submitted an elaborate report, making specific recommendations for legislation to correct abuses. It had, so it stated, examined over 1,200 witnesses in the course of its investigation. The textbook commission also submitted a careful report.

Perhaps the only generalizations which can be made are that results have depended on the circumstances which led to the appointment of the committee and on the strength of the committee itself, and more particularly on the interest and ability of the chairman. Investigating committees composed of able men with capable and energetic chairmen seem to have performed well the tasks assigned them. Committees composed of weak men with poor leadership have not gotten results. There has undoubtedly been waste of public funds through the appointment of poor investigating committees. On the other hand, it would probably be unsound policy to permit any administrative agency to feel that it was free from legislative investigation. The knowledge that it may be called to account by the Legislature at any time has a wholesome effect

TABLE III
RECESS COMMITTEES TO PLAN AND DRAFT
LEGISLATION, 1898-1939

Name of Committee	1898	1901	1903	1907	1911	1915	1923	1927	1931	1935	1939
Finance and Taxation	x	x	x	x	x	x ^a	x	x ^b	x	x	x
Judiciary					x	x	x	x	x	x	x
Public Roads						x	x	x	x	x ^c	x ^d
Agriculture						x	x	x	x	x ^c	x ^d
Education						x	x	x	x	x ^c	x ^d
Conservation						x	x	x	x	x	x
Fish, Game and Sea Food						x	x	x	x	x	x
Banking and Insurance						x	x	x	x	x	x
Public Buildings and Institutions						x	x	x	x	x	x
Bond Laws							x	x	x	x	x

^a Budget Committee.

^b Ways and Means Committee.

^c Education, Highways and Agriculture Committee.

^d Education and Highways Committee.

on any State agency. Possibly the Legislature ought to do more investigating rather than less. At the same time it ought to give more careful consideration to the quality of the legislators placed on investigating committees. Perhaps it should also consider adopting a policy which has found favor with the United States Congress, and provide its investigating committees with trained investigators to give them the specialized assistance they need.

3. Committees to Plan and Draft Legislation. Recess committees to consider prospective legislation have been most important in the development of the legislative process in Alabama. Table III pictures their development. The recess committee to plan and draft legislation which appeared first (1898) and which has been used most consistently by the Legislature was the committee to examine financial problems. Such a committee, under one name or another, has been appointed by every Legislature since 1898, except that of 1911. The first finance committee was charged to study the revenue bill, recommend amendments, and report to the (standing) Ways and Means Committee on the first day after the recess. This is the only instance discovered in which a recess committee reported to a standing committee. All other recess committees have submitted their reports to the two houses.

The recess finance committee appointed in 1901 was given a broader charge than the committee of 1898. It was to report on "deficits, liabilities, expenses, tax receipts and any other information." In 1919 the committee on finance became the Budget Committee and its duties were altered. The Constitution of 1901 provided for a budget commission composed of the Governor, the State Auditor, and the Attorney General to prepare the general revenue bill. The recess committee on the budget was instructed to sit with the budget

TABLE III
RECESS COMMITTEES TO PLAN AND DRAFT
LEGISLATION, 1898-1939

Name of Committee	1898	1901	1903	1907	1911	1915	1923	1927	1931	1935	1939
Finance and Taxation	x	x	x	x	x	x ^a	x	x ^b	x	x	x
Judiciary					x	x	x	x	x	x	x
Public Roads						x	x	x	x	x ^c	x ^d
Agriculture						x	x	x	x	x ^c	x ^d
Education						x	x	x	x	x ^c	x ^d
Conservation						x	x	x	x	x	x
Fish, Game and Sea Food						x	x	x	x	x	x
Banking and Insurance						x	x	x	x	x	x
Public Buildings and Institutions						x	x	x	x	x	x
Bond Laws						x	x	x	x	x	x

^a Budget Committee.

^b Ways and Means Committee.

^c Education, Highways and Agriculture Committee.

^d Education and Highways Committee.

on any State agency. Possibly the Legislature ought to do more investigating rather than less. At the same time it ought to give more careful consideration to the quality of the legislators placed on investigating committees. Perhaps it should also consider adopting a policy which has found favor with the United States Congress, and provide its investigating committees with trained investigators to give them the specialized assistance they need.

3. Committees to Plan and Draft Legislation. Recess committees to consider prospective legislation have been most important in the development of the legislative process in Alabama. Table III pictures their development. The recess committee to plan and draft legislation which appeared first (1898) and which has been used most consistently by the Legislature was the committee to examine financial problems. Such a committee, under one name or another, has been appointed by every Legislature since 1898, except that of 1911. The first finance committee was charged to study the revenue bill, recommend amendments, and report to the (standing) Ways and Means Committee on the first day after the recess. This is the only instance discovered in which a recess committee reported to a standing committee. All other recess committees have submitted their reports to the two houses.

The recess finance committee appointed in 1901 was given a broader charge than the committee of 1898. It was to report on "deficits, liabilities, expenses, tax receipts and any other information." In 1919 the committee on finance became the Budget Committee and its duties were altered. The Constitution of 1901 provided for a budget commission composed of the Governor, the State Auditor, and the Attorney General to prepare the general revenue bill. The recess committee on the budget was instructed to sit with the budget

commission and help prepare a financial plan for the State. This appears to have been the only attempt to give the Legislature an active part in the preparation of the budget through its recess committees. The experiment was not repeated.

As time passed and other fields of need asserted themselves, recess committees to consider matters other than finance made their appearance. Some of them (such as those on conservation, banking and insurance, and bond laws) appeared only once. Apparently they did not serve a continuing need. Five fields recurrently requiring legislative attention became continuing areas of interest, however, and the appointment of recess committees in these fields came to be accepted practice. In addition to finance and taxation, which has already been mentioned, the fields were public roads, agriculture, education, and the judiciary. Sometimes these areas were considered individually, sometimes in varying combinations. In 1935, for example, one recess committee was created for education, highways, and agriculture, and in 1939 a committee was provided on education and highways.

By 1919 the resolution to establish recess committees to plan and draft legislation had fallen into a standard pattern. It always indicated the committee and broadly defined its field of activity. It authorized the committee to call upon the various departments of the State government for information, to summon witnesses, and to require the production of records. It limited the number of days the committee might sit; specified that a report be submitted; and provided clerical assistance, mileage, and per diem for members. At first a separate resolution established each committee. In 1935 the Legislature created all recess committees by a single resolution. This plan

was continued in 1939, the last year in which recess committees as such were used.

It was never the practice of the Legislature to assign minute and specific tasks to its recess committees. Rather they were encouraged to explore the entire field assigned them and make any recommendation which might seem wise to them. The joint resolution of 1915 creating the Judiciary Committee may be cited as typical of this breadth of assignment. The committee was "to consider the judicial system of the State, the organization of courts, circuits, districts, reorganization and consolidation of courts, jurisdiction, procedure, officers, terms, juries and jury commissioners, times of meeting, and such other matters as concern the administration of the laws." In addition it was to consider workmens' compensation and all constitutional amendments pending at the time of the recess. No recess committee could ever complain that its function was hampered by its authorizing resolution. Again and again in resolutions creating committees such phrases as "consider and prepare a constructive plan" and "prepare and construct a practical program" are found. It seems clear that the recess committee, in the mind of the Legislature, was a planning committee.

Having by investigation and study developed a constructive program, the committee was expected to present its report to the Legislature in the form of a bill or bills. These bills were usually introduced by the chairman of the committee; they were referred to standing committees and put through the legislative mill under normal procedure.

After 1939, as has been noted, the session of 50 legislative days gave way to the session of 60 consecutive calendar days. Recess committees thereupon disappeared, for there were no more recesses. The

recess committee, however, had made possible at least a measure of legislative planning. If there had been need for such committees under the old schedule, there was even greater need under the new, with the session held strictly to the calendar. It is not surprising, therefore, that one of the early acts of the first Legislature following the change in length of sessions was to create interim committees to replace the old recess committees. An examination of these committees is now in order.

INTERIM COMMITTEES OF 1943

The first interim committees in the Alabama State Legislature were created by a House joint resolution passed in the special session of 1942 and approved November 20, 1942.⁷ These committees were born primarily of legislative uncertainty concerning the new system of sessions. Confronted with the task of compressing into 60 calendar days work which it was accustomed to spreading over several months, the Legislature felt the need of some device which would make speedier action possible. They were born also of the feeling on the part of thoughtful leaders in the State, some of them in the Legislature and some not, that Alabama could profit by more intelligent legislative planning.

Eight interim committees were provided for in the resolution. They were to be appointed during the organization session of the Legislature in January and to meet in the interval between that brief session and the legislative session meeting in May.⁸ The eight com-

⁷ *General Acts 1942* (Extraordinary Session), No. 5, p. 11.

⁸ Under the terms of the constitutional amendment of 1939, the Legislature meets in a 10-day organization session in January following the general election, and in a 60-day "business" session in May of odd years. See Roscoe C. Martin, "Alabama Falls in Line," *State Government*, Vol. XIII (March 1940), p. 43 ff.

mittees were those on Agriculture, Education, Finance and Taxation, Health, Highways, Judiciary, Public Welfare, and War Emergency. Taken together, they represented the major fields of legislation with which the Legislature might be expected to be concerned in the regular legislative session. The field of study assigned to each committee was broad: each was expected, with reference to its area of interest, (1) to study the conditions existing in the State and (2) to explore the needs of the State. Such phrases as "the needs of the State" and "needed legislation in Alabama" occur in the description of the duties of each committee. The interim committees of 1943 represented, therefore, an attempt, indeed the first serious attempt, on the part of the Legislature to plan a legislative program, not for a few subjects only but for the entire field of legislation.

The interim committees likewise represented a considered attempt to inform the Legislature concerning bills which were to be presented to it in the regular session. Each of the eight committees was to be composed of 11 members, three Senators and eight Representatives. There would be, then, 88 members of the Legislature serving on interim committees, 24 Senators and 64 Representatives. Stated in terms of percentages, the interim committees counted as members 62.4 per cent of the total membership of the Legislature: 68.5 per cent of the Senate and 60.3 per cent of the House of Representatives. Since so large a proportion of the Legislature would have served on these committees, the members might be expected to come to the regular session much better informed on pending legislation than they otherwise would have been.

These committees, although they represented an advance in the direction of legislative planning, were nonetheless lineal descendants of the old recess com-

mittees. The interim committees were joint committees created, as were most of the recess committees, by House joint resolution. Members of the interim committees, like members of the recess committees, were appointed by the presiding officers of the two houses in close conference with the Governor. Again like members of the recess committees, they received the per diem and the mileage allowances which members of the Legislature received for attending regular sessions. Outwardly, therefore, the interim committees to plan legislation and the old recess committees were quite similar.

Membership. It is worthy of emphasis, however, that in purpose the interim committees were something new in Alabama legislative history. The fact that they were intended to develop a legislative program and to inform a large part of the Legislature concerning that program played an important part in the selection of the committee members. First of all, since the Governor is very influential in developing any legislative program, his wishes were the chief factor in determining committee membership. It is said by people who were in a position to know that the interim Committee on Finance and Taxation was entirely of his choosing. Any members whom he wished to have placed on other committees were made members of those committees, although apparently in no other case did members of the Governor's choice dominate the committee.

Aside from the influence of the Governor, the purposes for which the committees were created seem to have played an important part in the selection of members. As one person influential in the selection expressed it, "We tried to get members who knew something (about a given subject) or who could learn something."

An examination of committee membership leads one to conclude that the idea of getting the finished program through the Legislature was not absent from the minds of those who selected committee members. The program worked out by an interim committee had to run the gauntlet of the standing committee. It would be helpful, therefore, if the standing committees which might have bills referred to them were well represented on the interim committees. Apparently the selection of members of interim committees was influenced by this consideration. A study of the committees shows that on most interim committees members of the corresponding standing committees were in the majority. The facts are shown in Table IV.

TABLE IV
MEMBERS OF 1943 INTERIM COMMITTEES ON
STANDING COMMITTEES^a

Committee	Number of Interim Committee Members on Corresponding Standing Committees			Number of Interim Committee Members not on Corresponding Standing Committees		
	Represent- atives	Senators	Total	Represent- atives	Senators	Total
Agriculture	7	2	9	1	1	2
Education	3	2	5	5	1	6
Finance and Taxation	8	3	11	0	0	0
Health	1	1	2	7	2	9
Judiciary	8	3	11	0	0	0
Public Roads and Highways	6	3	9	2	0	2
Public Welfare	5	1	6	3	2	5
Total	38	15	53	18	6	24

^a The Committee on War Emergency is omitted from this discussion, since it was a temporary committee appearing only in the 1943 session. There was no comparable standing committee.

Finally, of course, political considerations were not ignored in selecting members of the interim committees. There were political debts to be paid and political

obligations to be created in anticipation of future payment. While these frequently cannot be traced, they are nevertheless significant.

An analysis of the membership of the 1943 interim committees shows that they were drawn from the entire State. Indeed only nine of the 67 counties were not represented on the committees.

The same conditions of membership which govern standing committees seem to have applied to the interim committees:⁹

1. Urban districts were better represented than rural districts. Sixteen of the 88 members of the interim committees (18 per cent) came from the three counties of Jefferson, Mobile, and Montgomery.

2. South Alabama was more heavily represented than North Alabama: 53 members came from South Alabama and 35 from North Alabama.

3. Single-county senatorial districts were more heavily represented than other counties. Of the 12 single-county senatorial districts, eight were represented by their Senators as well as by one or more Representatives. Of the 88 members of the committees, 34 came from the 12 single-county senatorial districts.

Costs. The resolution creating the interim committees provided that they might remain in session for a maximum of 30 days. They were to receive the same compensation which they received as members of the Legislature, together with mileage for one round trip from home to the Capitol. The chairman of each committee was authorized to employ one clerk to be paid "reasonable compensation" to be fixed by the committee. It was his responsibility also to certify to the

⁹ For an examination of these conditions see Hallie Farmer, *The Legislative Process in Alabama: Standing Committees* (University, Alabama, 1945), p. 12 ff.

Comptroller the amount due each member of the committee and the clerk.

According to the records in the Comptroller's office, every member of four committees (Agriculture, Education, Public Roads and Highways, and War Emergency) was paid for 30 days. No deductions were made, therefore, for days when individual members failed to attend committee meetings. All members of the Finance and Taxation Committee except one received pay for 30 days. Each member of the Judiciary Committee received pay for 29 days. Eight members of the Committee on Public Welfare received 27 days', two received 28 days', and one received 30 days' pay.

Table V analyses, as far as available data make possible, the cost of interim committees. The record in

TABLE V
COSTS OF 1943 INTERIM COMMITTEES

Committee	Per Diem	Mileage	Clerk Hire	Total
Agriculture -----	\$ 3,300.00	\$ 291.80	\$ 360.00	\$ 3,951.80
Education -----	3,300.00	209.60	216.60	3,726.20
Finance and Taxation -----	3,220.00	247.40	400.00	3,867.40
Highways -----	3,300.00	226.80	320.00	3,846.80
Judiciary -----	3,190.00	231.00	288.00	3,709.00
Public Health -----	3,300.00	247.40	480.00	4,027.40
War Emergency -----	3,300.00	272.40	564.00	4,136.40
Welfare -----	3,020.00	257.60	288.00	3,565.60
<i>Ex Officio</i> Members ^a -----	760.00	52.20		812.80
Total -----	\$26,690.00	\$2,036.20	\$2,916.60	\$31,642.80

^aThe speaker and Lieutenant-Governor were *ex officio* members of all committees.

the Comptroller's office states that the total cost of the interim committees of 1943 was \$31,628.18. No documentary explanation of this discrepancy has been found.

Organization and Procedure. Information regarding interim committee procedure is not as complete as

might be desired. Each committee had a clerk, and minutes of committee meetings were supposed to be kept. Moreover, these minute books are supposed to be deposited with the Department of History and Archives. Actually none of them is to be found. In one case a former clerk reported that she "had a couple of books at home and would return them." She did not do so. Several committee chairmen stated that they had taken the minute books home with them. They also promised to return them, but at the time of writing none had turned up.

Such information as is available on committee procedures must be drawn from the committee reports, the recollections of members, and observation of the committees in action. In general, the committee procedure was that of the standing committees. Roll was taken, and the committee did not act without a quorum. When differences of opinion occurred a vote was taken and the majority ruled. At times sub-committees were appointed to conduct investigations and report back to the entire committee. When the committee had agreed upon a policy, one member (or sometimes a sub-committee of three members) was assigned the task of drafting the necessary bills, which were then considered by the entire committee. When approved by the committee, the bills were either held by the chairman and introduced by him when the Legislature met in regular session, or they were assigned by the chairman to some member of the committee who was made responsible for introducing them. The chairman usually drafted the final report of the committee.

Some of the committees took over the investigative functions of the old recess committees. The Education Committee seems to have used this device for obtaining information concerning Negro educational institutions. The Committee on Agriculture spent some

time visiting other states and, to quote their report, "observing especially the departments of these states which have to do with the regulation of agriculture and promotion of their interests." The Committee on Public Roads and Highways also visited other states.

All committees relied heavily upon the State executive departments for assistance in planning legislation. Some of the reports list by name the State officials who assisted them. Others content themselves with a blanket expression of appreciation for assistance rendered. The committees gave generously of their time to hearing interested citizens. Apparently, no one who wished to appear before a committee was denied a hearing.

Results. How effective were the 1943 interim committees? A complete answer to that question is impossible for there is no way to measure the amount of information which the legislators received from the interim committees, nor is it possible to weigh the changes of opinions or attitudes on the part of the committee members resulting from their study of legislative problems. Yet these imponderables are among the most important results which the committees were expected to achieve.

It is worth while to mention, perhaps, that members of the Legislature stressed the increase in their own knowledge as the most valuable contribution of the interim committees. "We know more about what we are doing. We get to see the whole picture. We have time to think about things." These and similar comments represent the point of view of many members.

There were some members, of course, who did not accept this interpretation. They saw the committees as a waste of time and of public funds. "We are doing just what we would have done if there had been no interim committees, so what's the use of them?" is

the way one member expressed it. While this attitude existed, it seemed to represent the position of a minority of the Legislature. The majority, and particularly those who had the responsibility of leadership, seemed to feel that the interim committees rendered a real service.

Each committee submitted a report of its work. These reports were collected and printed for the use of the Legislature when it met in regular session. They make interesting reading. Most of the reports show that legislative planning was in the minds of the members. They attempted to give the background for the legislation recommended. The Committee on Education mentioned its "detailed study of the State's educational activities, problems and needs." The Committee on Finance and Taxation presented a survey of the financial problems of the State. These are illustrative of the attempts made by the committees to survey the broad outlines of public policy in the fields assigned them.

Against the background of these surveys the committees sketched their suggestions for specific pieces of legislation to meet the needs which they had discovered. Some of these recommendations were in such general terms that the specific bills drafted to carry them into effect could not be identified. Each committee made many specific recommendations, however, which can be checked against the acts passed in order to estimate the consideration which the Legislature gave to the work of its interim committees. It is not intended to suggest that the Legislature passed these measures exactly as the interim committees presented them, but rather to indicate that the problems considered by the interim committees were also considered by the Legislature and some law was enacted as a result of this consideration. Table VI provides a basis

for evaluating the influence of interim committee reports on legislation. While some committees may point to greater success in getting their bills passed

TABLE VI
LEGISLATIVE ACTION ON INTERIM COMMITTEE
RECOMMENDATIONS, 1943

Committee	Number of Bills Recommended	Number of Bills Enacted into Law	Per Cent Enacted into Law
Agriculture	10	8	80.0
Education	15	13	86.7
Finance and Taxation	3	3	100.0
Highways	6	5	83.3
Judiciary	16	10	62.5
Public Health	17	9	52.9
War Emergency	16	10	62.5
Welfare	3	3	100.0
Total	86	61	70.9

than others, the record of all committees is good. Over all, the table indicates that 71 per cent of the bills recommended by interim committees was enacted into law by the Legislature of 1943.

INTERIM COMMITTEES OF 1945

Before the Legislature adjourned in 1943, it provided by a House joint resolution for interim committees to prepare for the 1945 session.¹⁰ The number of committees was reduced from eight to six. The Education, Judiciary, Public Health, and War Emergency Committees were dropped. Two new committees were added—Constitution and Legislative Procedure, and State, County and Municipal Government. Since the number of committees was reduced, the fields which they were to survey were expanded. The Committee on Agriculture became the Committee on Agriculture and Industries. Social Welfare became Social

¹⁰ General Acts 1943, No. 458, p. 418.

Welfare and Development and absorbed the work of the former Committees on Education and Public Health.

While the number of committees was reduced, the number of members on each committee was increased from 11 to 15. There were four Senators and 11 Representatives on each committee, making 90 members in all. Nearly 64 per cent of the Legislature—68.5 per cent of the Senate and 62.2 per cent of the House of Representatives—thus served on the interim committees of 1945.

Membership. A study of the members of the committees by place of residence shows that they were spread over the State somewhat better than in 1943. Only five counties (in contrast to nine in 1943) were without committee representation. Three of these five (Conecuh, Covington, and Crenshaw) also had been unrepresented in 1943. North Alabama was represented by 40 members and South Alabama by 50. Jefferson County retained its heavy representation, but Mobile and Montgomery had their representation reduced by one each.

TABLE VII
MEMBERS SERVING ON THE SAME COMMITTEE IN 1943 AND 1945

Committee	Senators	Representatives	Total
Agriculture	2	4	6
Appropriations and Finance	2	4	6
Highway and Aviation	1	3	4
Welfare and Development	2	4	6

A certain continuity of membership was maintained from 1943 to 1945 on the four committees which can be compared for the two years. The continuity of service, by committees, is shown by Table VII. In no

case did the members of a 1943 interim committee compose a majority of the comparable 1945 committee.

Table VIII affords a summary of service by interim committee members on corresponding standing committees in 1945. In every case a majority of such members appeared on the related standing committee,

TABLE VIII
MEMBERS OF 1945 INTERIM COMMITTEES ON STANDING
COMMITTEES

Committee	Number of Interim Committee Members on Corresponding Standing Committees			Number of Interim Committee Members not on Corresponding Standing Committees		
	Represent- atives	Senators	Total	Represent- atives	Senators	Total
Agriculture and Industries	7	3	10	4	1	5
Appropriations and Finance	7	4	11	4	0	4
Constitution and Legislative Procedure	10	3	18	1	1	2
Highway and Aviation De- velopment and Trans- portation	10	3	13	1	1	2
Social Welfare and Develop- ment	6	2	8	5	2	7
State, County, and Municipal Government	7	3	10	4	1	5
Total	47	18	65	19	6	25

while in the case of two committees almost every member served on the corresponding standing committee. No standing committee drew all of its members from the related interim committee, however, as did both the Finance and Taxation and the Judiciary Committees in 1943. Over all, about 72 per cent of the members of the interim committees of 1945 served on the

corresponding standing committees, as compared with about 69 per cent in 1943. The interim committees thus exerted a strong influence on the standing committees, in point of membership, in both 1943 and 1945.

In three instances there seems to have been an effort to maintain continuity through the chairmen and vice-chairmen. Thus the Chairman of the interim Committee on Agriculture was also Chairman of the Senate's standing Committee on Agriculture. The 1945 Chairman of the interim Committee on Appropriations and Finance was the 1943 Chairman of the House Committee on Ways and Means, and the Vice-Chairman was the Chairman of the Senate's standing Committee on Finance and Taxation. The Chairman of the interim Committee on Welfare and Development was the Chairman of the Senate's standing Committee on Public Welfare and Correctional Institutions, while the Vice-Chairman served as Chairman of the same standing committee in the House. The large number of standing committees on which members of the Legislature serve made it impossible to maintain contact in every case between standing committee and interim committee whether through duplication of membership or through duplication of chairmanships.

Organization and Procedure. In three ways the 1945 interim committees differed in organization from those of 1943. First, the committees were not permitted to select their own chairmen and vice-chairmen, which were selected for them by the appointing officers. Second, the place and time of their meetings were specifically fixed: they were to meet in the State Capitol between the first Tuesday in January 1945 and the last Friday in March 1945.

The third difference is the most important because it marked a new development in the use of the interim

committee as a device for increasing the knowledge of the Legislature concerning prospective legislation. The joint resolution creating the committees provided that for the last seven days of their meetings, they were to meet as a Committee of the Whole to hear explanations of reports of the several committees. It further provided that all other members of the Legislature were to be invited to sit with the committees during these seven days. All members of the Legislature attending were to be paid as members of the committees were paid and were to receive the same mileage. It was hoped that in this way all members of the Legislature would profit from the discussions of the work of the interim committees.

In order to make the work of the committees still more effective, the Governor made available to them the services of his own research staff. Housed on the third floor of the Capitol, in close proximity to the rooms in which most of the interim committees held their meetings, this staff was readily available for use whenever a need arose for its services. It is estimated that its members drafted approximately 200 bills requested by interim committees or by individual members of those committees. In addition they prepared memoranda on many subjects with which the interim committees concerned themselves.

As to procedure, the Committee of the Whole was the only important new device. Although the resolution permitted separate meetings of the House and Senate members the two groups met in joint session. Mimeographed copies of reports were placed in the hands of all members present.¹¹ Each committee was assigned one session in which to present its report. In general this time allotment was observed. Occa-

¹¹ These reports were later printed as Legislative Document No. 1 of the regular session of 1945.

sionally a committee asked for and received some additional time. Presentation of the report was the responsibility of the committee chairman. Some of the reports were presented entirely by the chairman; others were divided up among the members of the committee and all members participated in the presentation. Occasionally representatives of administrative agencies were called upon to give information in connection with committee reports. Having presented its report, the committee was subject to questioning by legislators present. No other action was taken on the reports: there were no votes taken and no formal expressions of opinion recorded.

Costs. Table IX presents a summary of the costs of the 1945 interim committees. According to the

TABLE IX
COSTS OF 1945 INTERIM COMMITTEES

Committee	Per Diem	Mileage	Clerk Hire	Total
Agriculture and Industries	\$ 4,110.00	\$ 395.80	\$ 272.00	\$ 4,777.80
Appropriations and Finance	3,890.00	301.20	300.00	4,491.20
Constitution and Legislative Procedure	4,800.00	341.40	480.00	5,621.40
Highway and Aviation Development and Transportation	4,500.00	420.00	480.00	5,400.00
Social Welfare and Development	4,460.00	330.80	448.00	5,238.80
State, County, and Municipal Government	4,500.00	418.20	480.00	5,398.20
<i>Ex Officio Member</i>	290.00	14.80		304.80
Total	\$26,550.00	\$2,222.20	\$2,460.00	\$31,232.20

table the most expensive committee was that on Constitution and Legislative Procedure, which required \$5,621.40, while the least expensive was the Committee on Appropriations and Finance, which spent less

than \$4,500.00. The total cost of the six 1945 committees, as shown by the table, was \$31,232.20, as against \$31,642.80 for the eight committees of 1943.

While Table IX introduces the subject of committee costs for 1945, it does not tell the whole story. To do that it would be necessary to estimate what percentage of the costs of such establishments as the Governor's research staff, the offices of the Clerk of the House and the Secretary of the Senate, and the State executive departments, to mention only a few, should be charged to the interim committees. The actual cost figured on such a basis would certainly be much larger than the total shown here.

The provision for payment of members of the 1945 interim committees was much more carefully drawn than in any of the earlier resolutions creating recess or interim committees. It read: "No committee member shall receive pay for any day on which he does not attend the meeting or meetings of his Committee; but shall be paid only for the days on which he attends committee meetings, whether separate, individual Interim Committees or as a Committee of the Whole, . . . The Chairman of each of said Committees shall certify to the Comptroller what is due each member or clerk, who must draw his warrant therefor on the State Treasurer."¹² This careful wording was not accidental. It was intended to strike at one of the major difficulties with which past recess and interim committees had contended—the failure of committee members to attend meetings. By long tradition, it had been the custom to pay all members for every day a committee met, whether all were present or not. The result was that committees found themselves meeting frequently without a full attendance and sometimes without a quorum.

¹² General Acts 1943, No. 458, p. 418.

The purpose of the provision of the joint resolution quoted above, therefore, was to encourage attendance at committee meetings by providing payment only for the days members were actually present. This purpose was not achieved, for absences from committee meetings continued to be common. In some committees on some days it was impossible to transact business because no quorum was present. Yet, when the payroll records are examined, it is found that only one committee—that on Appropriations and Finance—appears to have complied with the provision for payment only for days of actual attendance. On this committee one member received payment for 16 days attendance, four were paid for 29 days, and the remainder were paid for varying numbers of days between. Each member of the Committee on Agriculture and Industries was paid for 27 days except the two members who were drafting a bill for regulation of oil production in the State, who were paid for 30 days. One member of the Committee on Social Welfare and Development was paid for only 26 days. The members of all other committees were paid for 30 days' attendance—the maximum amount which they could receive under the resolution.

The responsibility for this situation rests upon the chairmen of the various committees. It was their duty, under the resolution creating the committees, to certify to the Comptroller the amount due each member for attendance. This certification was a mandate upon the Comptroller to draw a warrant for payment. Obviously some chairmen either failed to keep attendance records, or they did not check their records before certifying the amount due members. It is even possible that some of them never read the resolution and merely followed earlier practice without being aware of the procedure required by it. The seriousness

of this matter is not measured solely by the waste of State funds involved, but also by the fact that such procedure encourages absence from interim committee meetings thus defeating the major purpose of the committee.

The records show that 39 members of the Legislature who were not members of the interim committees attended the meetings of the Committee of the Whole for all or part of the time. Thirty-five attended for the entire seven days. The total salary paid to these members was \$2,580.00. Mileage paid them amounted to \$856.80. Doorkeepers and other officials were paid \$200.00. This makes a cost additional to that listed in Table IX of \$3,636.80. The total cost of the 1945 interim committees, therefore, was \$34,868.00.

Results. The reports of the interim committees of 1945 were much more specific and definite than were those of 1943. The recommendations were clear-cut and there were many more of them. Instances in which committees reported no recommendations were very few. Recommendations for legislation or recommendations that no changes be made in existing laws were the usual practices. A check of the printed committee reports shows 157 definite and positive recommendations, as compared with the 86 recommendations of the 1943 committees. While the reports of some committees are better organized than others, all of them show better mastery of subject matter and greater readiness to analyse material and examine underlying principles than in 1943. For example, the analysis of State finances and the interpretation of financial needs by the Committee on Appropriations and Finance is much more exhaustive than was the report of the 1943 Committee on Finance and Taxation. The estimates of revenue and recommendations for appropriations are explicit and detailed. On the whole, an examination

of the 1945 reports leaves one with the impression that these committees handled their affairs with more assurance and worked more effectively than the interim committees of 1943.

Of the 157 positive committee recommendations which were definite enough to make it possible to trace legislative action upon them, 104 (66.2 per cent) were acted upon favorably by the Legislature, and 53 (33.8 per cent) were either rejected or not acted upon at all. Table X summarizes the handling of interim committee recommendations by the 1945 Legislature. Action on these measures by the Governor is, of course, a different subject. It is not dealt with here.

TABLE X
LEGISLATIVE ACTION ON INTERIM COMMITTEE
RECOMMENDATIONS, 1945

Committee	Number of Bills Recommended	Number of Bills Enacted into Law	Per Cent Enacted into Law
Agriculture and Industries	23	19	82.6
Appropriations and Finance	12	10	83.3
Constitution and Legislative Procedure	44	24	54.5
Highway and Aviation Development and Transportation	15	11	73.3
Social Welfare and Development	29	19	65.5
State, County and Municipal Government	34	21	61.8
Total	157	104	66.2

A comparison of the data in this table with the data of Table VI shows:

1. That the number of recommendations made by the 1945 interim committees was almost double the number made in 1943.

2. That the percentage of recommendations of the 1945 committees enacted into law was slightly less than the percentage enacted into law in 1943. The 1945 record of accomplishment, in terms of bills passed, is gratifying in view of the large number of committee recommendations which dealt with controversial subjects.

There is at least one significant fact which the table does not reveal. A study of the recommendations accepted and those rejected by the Legislature shows that that body tended to be more conservative than its committees. The recommendations which represented liberal thinking in social and economic fields were, by and large, those which were rejected.

CONCLUSION

The interim committees, according to nearly everybody concerned with them, have two major objectives: first, to make possible legislative planning; second, to inform the legislators concerning matters which will come before them in the forthcoming legislative session. It cannot be said that the interim committees of past years have failed entirely to realize these aims, but it is undoubtedly possible to set them up and organize them in such a way as to make them much more useful than they have been to date. At least five modifications in interim committee practice would seem to be justified in the light of this study. Any one of these changes would make the committees more effective than they have been. In the aggregate they would modify legislative procedure to such an extent that Alabama might have the services of one of the most efficient legislatures in the United States. An examination of the five suggested modifications follows.

1. *Each interim committee should be composed of*

members of the corresponding standing committees in both houses. If interim and standing committees were identical in membership, the work of the interim committees would carry over directly into the work of the standing committees in the regular session. This would ensure serious consideration of the recommendations of the interim committees. It would also result in two major changes in past interim committee organization, both of which would appear to be sound.

a. *There would be more interim committees.* This would seem to be desirable. It is doubtful whether the reduction in the number of interim committees from 1943 to 1945 was sound, for the fields of study defined for the 1945 committees were so broad that it was impossible to organize their work in a satisfactory manner. There should be an interim committee for every major field of legislative activity. If the Legislature should see fit to reorganize its standing committees on a functional basis, with identical committees in each house, the problem of the composition of the interim committees would be much simplified; for each such body then would be a joint committee composed of the members of the two comparable standing committees of the two houses.

As the standing committees are now organized, 11 interim committees would seem to be necessary to secure adequate planning of the legislative program. These would be, by title, the Committees on Judiciary, Finance, Transportation, Agriculture and Conservation, Constitution and Elections, Education, Business and Labor, Public Welfare, Public Health, Local Government, and State Administration. Not only would committees providing this subject coverage make possible sound legislative planning: if in membership these committees were identical, as they should be, with corresponding standing committees, the handling

of bills drafted by them would be greatly facilitated. There is no apparent reason why the major portion of the legislative program should not be on the calendar on the second day of the legislative session if this plan were followed.

b. *There would be more members of the Legislature on interim committees.* If one purpose of the interim committees is to increase the information of members concerning the legislative program, the logical extreme would be a situation in which all members of the Legislature would serve on interim committees. Certainly every member who desires to serve should be given the opportunity to do so. There would seem to be little justification for the method, pursued in the current quadrennium, of placing approximately half of the members of the Legislature on the interim committees preceding the first session and the other half on those preceding the second session. The choices which appointing officials are forced to make lead to disappointment, jealousy, and antagonism. Human nature being what it is, the temptation to a member is very great to sabotage a program which he had no part in making.

With the present organization of standing committees in the Legislature, the ideal assignment to interim committees (every member assigned to the committee which is related to the work of the standing committee of which he is a member) can be only approximated. Members serving as they do now on from three to seven standing committees could not hope to do effective work on the several interim committees related to all of those standing committees. No member of the Legislature should serve on more than one interim committee.

2. *The work of the committees should be coordinated.* There was little apparent effort either in 1943

or in 1945 to coordinate the work of the interim committees. Such coordination as existed was provided by the Governor, who, in consultation with department heads, prepared agenda for committee consideration. Throughout the sessions of the committees, the Governor was in frequent conference with committee chairmen. There was also a certain amount of coordination resulting from the incidental (or accidental) contacts of committee members, and there were a few joint committee meetings. Yet the machinery for coordination was in existence. The chairmen of committees met occasionally to decide on the mechanics of committee work. The per diem pay of clerks was fixed by this group, and some of the details of the meeting of the Committee of the Whole were decided by it. This group might easily become a steering committee which would regularize and bring order into the work of the interim committees. The desired end might also be approached if the rules committees of the two houses would serve jointly as a coordinating committee for the interim committees. This would serve to tie the interim committees more closely to the standing committee organization of the two houses. Still another method of securing coordination would be through more general use of the Legislative Council created by the Legislature in 1945.

3. *The meetings of interim committees should be better scheduled.* No real attempt appears to have been made to schedule the meetings of interim committees so as to secure the most profitable use of the time spent. In 1943 and again in 1945, payment of committee members was permitted for 30 days only and mileage was allowed for only one round trip to the Capitol. The joint resolution creating the interim committees of 1945 provided that the meetings were to be held between the first Tuesday in January 1945,

and the last Friday in March 1945. Thus all meetings were crowded into the three months preceding the opening of the regular session. For interim committees preceding the first session of a Legislature this crowding appears unavoidable unless a special session is held to create interim committees soon after the November election, as was done in 1942. For the second session of the Legislature it would be possible to spread the meetings of the committees over a longer time.

Some informed observers have pointed out that the scheduling of the meetings of the committee dealing with State finances (by whatever name it is called) is particularly unfortunate. This committee deals with two problems—finding money for the State and apportioning that money for expenditure as wisely and fairly as possible. At present the finance committee attempts to perform these functions simultaneously. Thus when the other interim committees have completed their meetings and are ready to present their proposed programs, the finance committee has already completed its financial planning. It would seem to be sounder procedure to have the finance committee schedule two meeting periods. During the first it could survey State finances, estimate probable revenue, and consider tax measures. Later, when the other interim committees have completed their work, the finance committee could meet again and consider appropriations. Under such a system it would seem that the financial planning of the State could be more effectively handled than it is at present.

Certainly something should be done to stop the practice of paying members for sessions which they do not attend. The continued absence of members defeats one of the major purposes for which interim committees were created. Furthermore, no defense can be made of a system which pays a conscientious legislator who

attends to his duties 10 dollars per day, and rewards an absent legislator by paying him the same amount for failure to attend. Some members of the 1943 and 1945 interim committees were paid as much as \$60 for each day of actual attendance at interim committee meetings. Some method should be devised to insure accurate attendance records and to limit payment of per diem allowances to those in actual attendance.

4. *The Committee of the Whole either should be made to serve a more useful purpose or should be abolished.* It is doubtful whether this committee, which was used only in 1945, justified the time and money expended on it. Presentation of the reports of the interim committees did not seem to arouse much interest or discussion. This was due in part no doubt to the fact that in some cases presentation was poor. The committees had evidently given little thought to the problem of presenting their material in such a way as to command attention. A change in procedure, to provide for printing and distributing to the members of the Legislature all bills drafted by the interim committees, might help at this point. One 1945 committee (that on Constitution and Legislative Procedure) did distribute some of the bills it drafted to legislators. There was general agreement that this was helpful. Several members of the Legislature have pointed out the advantage of having a file of printed bills available for consultation in the interval between the adjournment of the interim committees and the meeting of the legislative session. Some of them feel that printing bills at this time would be more helpful than having them printed during the session.

5. *The committees' research and clerical staffs should be greatly strengthened.* As the demands upon the Legislature for more specialized and more technical legislation increases, the need for research as-

sistance to the Legislature becomes more evident. If legislative planning devolves upon the interim committees, their need for research help will increase. This need was met in part in 1945 when the Governor made his research staff available to the interim committees. Without doubt the Legislative Reference Service created by the Legislature of 1945 will be of even greater use to the committees of the future.

It would seem, however, that interim committees might do something to secure more efficient help for themselves by exercising some care in selecting their clerks. In 1943 and again in 1945 the resolution creating the committees provided that each chairman was to select the clerk for his committee. Too often the place was a sinecure. With a little thought and effort chairmen could secure competent, trained persons who could give really efficient assistance to the committees. Departments might supply such assistants in some instances; the Legislative Reference Service might supply them in others. In any case each interim committee should consider the advantage of trained, expert assistance over simple stenographic help.

It appears that interim committees have become an integral part of legislative machinery in Alabama, where they have found wider use than in any other state. Already they have operated to modify the legislative process here in certain important regards. Their potential role, however, is much more significant than that played so far, particularly in respect of legislative planning. Interim committees, in one guise or another, have had a long and on the whole fruitful history in Alabama. A few relatively minor modifications in organization and procedure would equip these committees to serve a useful purpose in the process of translating the will of the people into law.

